

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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HILDA R. MUINOS,	:
	:
Plaintiff,	: ECF CASE
	:
v.	: CASE NUMBER: 08 CV 0271
	:
THOMAS NELSON, INC.,	: (G.B.D.)
	:
Defendant.	:

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**DECLARATION OF ANDREW VITRANO
IN OPPOSITION TO MOTION OF DEFENDANT
THOMAS NELSON, INC. TO TRANSFER VENUE**

I, Andrew Vitrano, declare and state as follows:

1. I am a partner in the law firm of Vitrano & Moschetta LLP, counsel for plaintiff Hilda R. Muinos ("Ms. Muinos") in the above-captioned action. Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I would testify competently to them.

2. Attached hereto as **Exhibit A** is a true and correct copy of a sales receipt for the two books published and distributed by Defendant that Ms. Muinos has alleged contain twenty-nine illustrations that infringe her copyrights. Barnes & Noble Booksellers, located at 1280 Lexington Avenue, New York, New York, issued the receipt to me when I purchased the books.

3. Attached hereto as **Exhibit B** is true and correct copy of a page on Defendant's website that lists six bookstores in New York, New York where Defendant offers the book for sale. I found the page on Defendant's website, www.thomasnelson.com.

4. Attached hereto as **Exhibit C** is a true and correct copy of a business records report published by Hoovers, Inc. Upon information and belief, it contains accurate information pertaining to Defendant's business including 2006 sales revenues and employee-count which, upon information and Belief, Defendant voluntarily reported to Hoover's, Inc. I found the information by conducting a search on www.hoovers.com.

5. For the reasons set forth in the Memorandum of Law of Plaintiff Hilda R. Muinos in Opposition to Motion of Defendant Thomas Nelson, Inc. to Transfer Venue for which the foregoing information is offered in support, I respectfully request that the Court deny Defendant's motion to transfer this case to the Middle District of Tennessee.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 14, 2008 at New York, New York.

Respectfully submitted,

By:


Andrew Vitrano

Exhibit A

Store Number 2525 | 1280 Lexington Ave | New York, NY 10028 | (212)423-9900

Order Detail

Customer Information

andrew vitrano

Day Phone #: (917)533-4749
E-mail:

Shipping Information

Store 2525

Method: Back to Store

Order Information

Status:	Open	Ord. Date:	
Store Ord. #:	2525-326227	Expected Arrival Date:	3/10/2008
Store#	2525	Total Cost:	\$33.98
		Order Submission:	

Item Details

Item	Qty	Price	Org Expected Arrival Date	New Expected Arrival Date	Expiration Date	Received Date	Product Status
1. Healthy Mother, Healthy Baby: The Complete Guide for New Mothers ISBN: 1401602983 Trade Paper	1	\$16.99					New Order
Mama sana, bebe sano ISBN: 0881130397 Trade Paper	1	\$16.99					

New Order

355884
TRANS

Barnes & Noble Bookellers
1280 Lexington Avenue
New York, NY 10028
212-423-9900
03-10-08 S02525 R001

CUSTOMER RECEIPT COPY

Healthy Mother, Healthy Baby: The Complete Guide for New Mothers	16.99
ISBN: 1401602983	
Mama sana, bebe sano	16.99
ISBN: 0881130397	

SUB TOTAL	33.98
SALES TAX	2.85
TOTAL	36.83
AMOUNT TENDERED	
AMEX	36.83
CARD #:	*****1008*
AMOUNT	36.83
AUTH CODE	260211

TOTAL PAYMENT	36.83
A MEMBER WOULD HAVE SAVED	3.40

Thank You for shopping at
Barnes & Noble Bookellers
Shop online 24 hours a day www.bn.com
#355884 03-10-08 02:53P Laura

Exhibit B



[Fiction](#) | [Nonfiction](#) | [Bibles](#) | [Kids](#) | [Reference](#) | [Gift Books](#) | [Spanish](#) | [FAQ's](#) | [Contact Us](#)

Store Finder

While you are welcome to purchase any of our products online, we certainly want you to support your local retailer. To find a Nelson retail partner, including Christian retail stores that are not Christian Book Association members, enter your search criteria into the provided fields below.

To find a CBA member store near you click [here](#).

Please Enter Your Search Criteria:

<input type="text" value="City"/>	<input type="button" value="Find"/>
<input type="text" value="new york"/>	

Results:

BARNES & NOBLE #2525
E 240 86 ST
NEW YORK, NY 10028

BARNES & NOBLE #2618
160 E 54TH ST
NEW YORK, NY 10022-4729

BARNES & NOBLE #2675
33 E 17TH ST
NEW YORK, NY 10003-2004
Phone: (212) 539-2237

BARNES & NOBLE 2628
1972 BROADWAY
NEW YORK, NY 10023-5903

GREATER NEW YORK ABC (2)
12 W 40TH ST
NEW YORK, NY 10018-3901
Phone: (212) 944-2788

ZOE CHRISTIAN BOOKSTORE
45 WEST 116TH STREET
NEW YORK, NY 10027
Phone: (212) 828-2776
Fax: (212) 828-7494



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Exhibit C

Thomas Nelson, Inc.

501 Nelson Place
 Nashville, TN 37214 United
 States ([Map](#))

Phone: 615-889-9000
 Toll Free: 800-251-4000
 Fax: 615-391-5225

<http://www.thomasnelson.com>

Covered by Barbara Murray

OVERVIEW

Thomas Nelson's psalm of success comes straight from the Good Book. Considered the world's top commercial publisher of Christian-related materials, it produces nine major Bible translations in the English language, as well as biblical reference products, including commentaries, help texts, and study guides. In addition, Thomas Nelson publishes religious and inspirational titles by authors such as Max Lucado and John Eldredge. The company also hosts inspirational conferences (Women of Faith) and is a leading producer of Christian-oriented and family-focused products for adults and children, including books and games, as well as audio, video, and CD-ROM materials. Thomas Nelson became a private company in 2006.

KEY INFORMATION

D-U-N-S Number	004414983 Buy a D&B credit report.
Doing Business As	"Creative Papers" "Nelson" "Pretty Papers" "Word"
Company Type	Private Headquarters Subsidiary
Ultimate Parent	Faith Media Holdings, Llc
Ultimate Parent D-U-N-S	784434826
Year Of Founding or Change In Control	2006
State of Incorporation	TN

KEY NUMBERS

Fiscal Year-End	March
2006 Sales (mil.)	\$253.1
1-Year Sales Growth	6.4%
2006 Employees	650
1-Year Employee Growth	8.3%
Employees At This Location	230

KEY PEOPLE

Chairman	Sam Moore	Make A Connection
President and CEO	Michael S. (Mike) Hyatt	Make A Connection
EVP and CFO	Joe L. Powers	

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VP Information Technology

Rick Proctor

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EVP and Chief Live Events Officer

[Mary Graham](#)

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PEOPLE PROFILES PROVIDED BY THOMAS NELSON EMPLOYEES

There are currently no people listed with this company. Be the first:

Add yourself to this company record

SIGNIFICANT DEVELOPMENTS

Date

Event

INDUSTRY INFORMATION

First Research Industry Profiles

[Book Publishers\(primary\)](#)

Hoover's Industries

[Media](#)

[Publishing](#)

[Book Publishing \(primary\)](#)

[Film & Video](#)

[Business Services](#)

[Advertising & Marketing](#)

Primary SIC Code

2731: Book publishing

Primary NAICS Code

511130: Book Publishers

INDUSTRY WATCH

[Apple's Next Big Thing: New iMac \(5:12\)](#)

08/03/07 4:40PM ET - Pacific Consumer Electronics Analyst Andy Hargreaves, Marketwatch Columnist John Dvorak, and CNBC Silicon Valley Bureau Chief Jim Goldman discuss what little is known the next generation of the iMac.

TOP COMPETITORS

[Courier Corporation](#)

[HarperCollins](#)

[Reader's Digest](#)

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